

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DONALD CULLEN,

Case Nol 11-CV-01199-EJD

Plaintiff(s),

v.

**ORDER GRANTING IN PART AND  
DENYING IN PART PLAINTIFF'S  
ADMINISTRATIVE MOTION FOR  
RELIEF FROM GENERAL ORDER 56**

NETFLIX, INC.

Defendant(s).

Before the Court is Plaintiff Donald Cullen's Administrative Motion for Relief from General Order No. 56. G.O. 56 requires the parties "to engage in a structured process designed to achieve early compliance with the ADA while minimizing the adversarial litigation process and concomitant fees." White v. Shen, 2011 U.S. Dist. LEXIS 2174, at \*2-3 (N.D. Cal. Jan. 5, 2011). The general order imposes an automatic stay on litigation proceedings and all but very limited discovery during the five-month process "unless the assigned judge orders otherwise." N.D. Cal. General Order No. 56. Occasionally, courts do order otherwise. See Vallabhapurapu v. Burger King Corp., 2011 U.S. Dist. LEXIS 48804 (N.D. Cal. May 6, 2011).


The Court respects the process established by G.O. 56 to facilitate and expedite the cure of ADA violations. The parties shall follow the procedures it sets forth. But here, the Plaintiff, on behalf of a putative class, brings a number of other causes of action founded in state law. The other causes of action allow Plaintiff to seek remedies that are unavailable under the ADA. Since the case is for monetary damages on behalf of an alleged class, it appears unlikely that the meet-and-confer and mediation processes designed around the ADA accommodations will resolve all the other

1 claims. Staying the entire matter pending the outcome of the G.O. 56 procedures therefore does not  
2 serve the interests of justice in the present case.

3 **ORDER**

4 Accordingly, Plaintiff's request for relief from the stay imposed by General Order 56 ¶ 2 is  
5 GRANTED, and his motion is DENIED in all other respects.

6  
7  
8 Dated: May 24, 2011

  
\_\_\_\_\_  
EDWARD J. DAVILA  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 David Frank McDowell dmcdowell@mofo.com  
3 Gregory Steven Weston greg@westonfirm.com  
4 John Joseph Fitzgerald jack@westonfirm.com

5  
6 **Dated: May 24, 2011**

**Richard W. Wieking, Clerk**

7  
8 **By: /s/ EJD Chambers**  
9 **Elizabeth Garcia**  
10 **Courtroom Deputy**

